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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/787,225         | 02/27/2004             | Andrew T. Fausak      | 049051-0223            |

31824  
 McDERMOTT WILL & EMERY LLP  
 18191 VON KARMAN AVE.  
 IRVINE, CA 92612-7107



CONFIRMATION NO. 4798  
**FORMALITIES LETTER**  
  
 \*OC000000015160772\*

Date Mailed: 02/10/2005

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 049051-0223

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of

Andrew T. Fausak

Application No.: 10/787,225

Filed: February 27, 2004

For: ENCAPSULATED OBJECT  
ORIENTED POLYPHASE  
PREBOOT EXECUTION AND  
SPECIFICATION LANGUAGE

: Customer Number: 31824  
: Confirmation Number: 4798  
: Group Art Unit: 2183  
: Examiner: Not Yet Assigned

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER REGARDING ERRONEOUSLY ISSUED  
NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

Applicant has received a Notice To File Missing Parts of Application dated February 10, 2005 (copy attached) indicating that the oath or declaration is unsigned. However, Applicant previously received a Notice To File Missing Parts Of Application dated May 17, 2004, for which a response was filed on September 15, 2004. An additional copy of the Response, Petition For Extension Of Time, Declaration, Assignment and Recordation Form Cover Sheet are enclosed. The filing of these documents is evidenced by a copy of the PTO-stamped postcard bearing a September 15, 2004 filing date.

Accordingly, it is respectfully submitted that the current Notice To File Missing Parts was issued in error and that no further response is needed.

**10/787,225**

Please charge any shortage in fees due in connection with the filing of this paper to  
Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

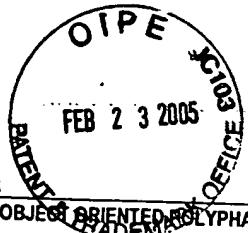


Mark J. Itri  
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18191 Von Karman Ave., Suite 400  
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**Date: February 22, 2005**

**Please recognize our Customer No. 31824  
as our correspondence address.**

ORC 358224-1.049051.0223



Applicant: Andrew T. Fausak Docket No. 049051-0223

Title: ENCAPSULATED OBJECT ORIENTED POLYPHASE PREBOOT EXECUTION AND SPECIFICATION

Date Sent: 9/15/2004 Serial/Reg./Patent No. 10/787,225

Transmittal Letter

New Patent App  Utility  Design  Cont.  CIP  Div.  PCT  RCE  Prov

Other: \_\_\_\_\_  
 \_\_\_\_\_ pages of Specification  
 \_\_\_\_\_ pages of Claims  
 \_\_\_\_\_ pages of Abstract  
 \_\_\_\_\_ pages of Formal/Informal Drawings

Small Entity  Large Entity

Declaration/Power of Attorney

Recordation of Assignment/Security Agreement

Information Disclosure Statement  
 \_\_\_\_\_ Form PTO 1449  
 \_\_\_\_\_ copies of cited references

Preliminary Amendment

Response to Missing Parts Notice

Resp. to Notice to Correct App. Papers

Certified Copy of Priority Doc.

Claim for Convention Priority

Response/Amendment to Office Action of \_\_\_\_\_

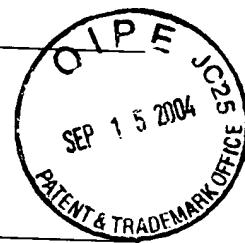
Request for two month Extension of Time \_\_\_\_\_

Letter submitting \_\_\_\_\_ pages of drawings  
 Req. for Approval of Drawing Amendments  
 Req. for Oral Hearing  
 Not. of Appeal  Appeal Brief  Reply Brief  
 Rule 312 Amendment/Letter  
 Req. for Acknowledgement of Cited Art  
 Issue Fee  
 Publication Fee  
 Req. for Certificate of Correction  
 Maintenance Fee for \_\_\_\_\_ years after grant  
 Fee Address Indication Form  
 Terminal Disclaimer  
 Petition to Commissioner  
 Status Inquiry  
 Other \_\_\_\_\_

|              |  |   |        |            |     |         |      |              |         |
|--------------|--|---|--------|------------|-----|---------|------|--------------|---------|
| Check for \$ |  | <input checked="" type="checkbox"/> Charge Deposit Acct. 502203\$ | 590.00 | Atty Init. | MJI | Tkpr. # | 6717 | Secy. or PL: | DThomey |
|--------------|--|---|--------|------------|-----|---------|------|--------------|---------|

CMS Descrip.: \_\_\_\_\_

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.





Docket No.: 049051-0223

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 31824  
Andrew T. Fausak : Confirmation Number: 4798  
Serial No.: 10/787,225 : Group Art Unit: 2183  
Filed: February 27, 2004 : Examiner: Not Yet Assigned  
For: ENCAPSULATED OBJECT :  
ORIENTED POLYPHASE :  
PREBOOT EXECUTION AND :  
SPECIFICATION LANGUAGE :

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice of Missing Parts of Application dated May 17, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Late Filing Fee Surcharge of \$130.00
3. Petition For Extension Of Time and \$420.00 extension fee
3. Assignment, Recordation Form Cover Sheet and \$40.00 recordal fee

Please charge Deposit Account No. 502203 in the amount of \$590.00. To the extent necessary, Applicant's petition for an extension of time under 37 C.F.R. 1.136. Please charge any

**10/787,225**

shortage in fees due in connection with the filing of this paper, including extension of time fees,  
to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



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**Date: September 14, 2004**

ORC 346717-1.049051.0223